

August 11, 2020

Honorable Judge – Mr. Alan S. trust
United States Bankruptcy Court
Eastern District Of New York

Honorable Judge

RE: Request to Grant the Motion to Dismiss in Default for failure to file a response in Time regarding Docket No.: 8-18-71748-ast, Adversary Proceeding No. 8-20-08053-ast

Your Honor I am writing this letter as the Plaintiff has filed the motion to Extend Deadline to Respond to my Amended Motion to Dismiss. From the time I learned that Plaintiff has filed the motion, I have requested to the plaintiff attorney multiple times, to provide me a copy of the motion filed in the court. Till now, I have not been provided with a copy of the motion filed. Please see attached request sent to Plaintiff to provide me a copy of motion filed.

Since I am representing myself as “Pro Se”, I do not have any means to get the motion filed by plaintiff and they have a fiduciary responsibility to serve the defendants with what they are filing in court and not attempt to do it “Ex Parte”. I have always provided them with a copy of my every filing I did.

Plaintiff attorney first requested an Extension of 3 to 4 weeks by stating the following to me – “Lets engage in settlement discussion and as we discuss settlement, we can keep extending the deadline for filing a response”. When I agreed to the extension there was no settlement discussion, I had to request for a call couple of times and then a call was scheduled. In this call, I was clearly told they have no authorization for any type of settlement and furthermore they would not even release to me the documents they have claimed and used to file the very complaint, I have full right to such underlying documents the basis of which their entire complaint is based on. They agreed that I have right to see those documents, but Plaintiff’s attorney did not know if their client would want to release them. This is ironical given the fact that they filed a complaint based on those documents, now they are resisting even showing the underlying documents to me. The whole extension was taken from me in complete bad faith.

You Honor they use your court and your good name in every instance to say if I will not agree to this, we will easily get this approved by the judge.

As I mentioned in my previous filings that even though I was never served with summons or the complaint till date, I decided to respond with a motion to dismiss which I submitted to your Honor’s court. Before filing the motion to dismiss, I had requested an extension from the Plaintiff so I could properly respond, but since my request was unanswered, I filed my motion to dismiss.

I would request your honor's court to please see the gamesmanship being played here by the plaintiff and request the relief of not granting them any extension.

I do not see any reason to extend the deadline and My Motion to dismiss should be granted in default for Failure to respond to my Motion to dismiss.

Please Grant my Motion to Dismiss as filed with prejudice and move for sanctions as a completely frivolous complaint was filed without any basis, ground, or standing. Furthermore, this complaint and many others were filed as a threat on the last day to negotiate a different third-party settlement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Salil Sharma', with a stylized flourish at the end.

Salil Sharma